

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL SCHAFFER,
Plaintiff

v.

COUNTY OF ALAMEDA, et al.,
Defendants

No. 06-0310 MMC

**ORDER RE: CLASS COUNSEL'S
RESPONSE TO ROBERT ANDERSON'S
LETTER FILED JANUARY 9, 2009;
DIRECTING CLASS COUNSEL TO FILE
SUPPLEMENTAL RESPONSE;
EXTENDING DEADLINE FOR
ANDERSON TO FILE REPLY**

By order filed January 30, 2009, the Court construed a letter it had received from claimant Robert Anderson's ("Anderson") as a motion to approve a late claim. See, e.g., In re Gypsum Antitrust Cases, 565 F.2d 1123, 1127-28 (9th Cir. 1977) (noting "district court [has] discretion to grant late claims"). In said order, the Court directed class counsel to file a response to the motion no later than February 20, 2009, and afforded Anderson leave to file a reply no later than March 13, 2009.

On February 11, 2009, class counsel filed a "Response to Robert Anderson's Letter Filed January 9, 2009," in which class counsel states that Anderson's claim was late, and states that "[i]f there is any further information the Court requires, [class counsel] will be happy to attempt to provide it." (See Response, filed February 11, 2009.) The issue before the Court, however, is not whether Anderson's claim is late; indeed, Anderson concedes

1 his claim was late. Rather, the issue is whether the Court should exercise its discretion to
2 grant a late claim. See In re Gypsum Antitrust Cases, 565 F.2d at 1127-28.

3 Accordingly, the Court DIRECTS class counsel to file, no later than February 27,
4 2009, a supplemental response to the Anderson's motion, specifically, to address whether
5 the Court should exercise its discretion to grant Anderson's late claim.

6 The deadline for Anderson to file a reply is EXTENDED from March 13, 2009 to
7 March 20, 2009.

8 **IT IS SO ORDERED.**

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10 Dated: February 17, 2009


MAXINE M. CHESNEY
United States District Judge